

**MONDAY, APRIL 25, 2011**

**TWENTY-SEVENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Dr. Nina Gunter of Trevecca Community Church in Nashville, Tennessee, a guest of Senator Beavers.

**PLEDGE OF ALLEGIANCE**

Senator Beavers led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

**STANDING COMMITTEE REPORT**

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 88 with amendment, 950 with amendments, 1045 with amendments, 1214 with amendment, 1672 with amendment and 1771; also, recommend that Senate Bills Nos. 42 with amendment, 81, 771 with amendment, 772 with amendment, 1166 with amendment and 1521 be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson  
April 25, 2011

The Speaker announced that he had referred Senate Bills Nos. 88 with amendment, 950 with amendments, 1045 with amendments, 1214 with amendment, 1672 with amendment and 1771 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 42 with amendment, 81, 771 with amendment, 772 with amendment, 1166 with amendment and 1521 to the Committee on Finance, Ways and Means.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 2111 and 2112** be passed on first consideration, which motion prevailed.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2111** by Senator Norris.

Newbern -- As introduced, subject to local approval, revises the charter to establish staggered terms for the aldermen, to eliminate the need for periodic reappointment of the recorder and revise the duties of the recorder, and to eliminate the need for periodic reappointment of the police chief. Amends Chapter 450 of the Acts of 1901.

**Senate Bill No. 2112** by Senator Burks.

Cumberland County -- As introduced, subject to local approval, increases the hotel-motel tax from an amount not to exceed 5% to an amount not to exceed 7.5%. Amends Chapter 145 of the Private Acts of 1979.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 151, 300, 860, 980, 1284, 1329, 1586 and 1748** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 151** -- Criminal Offenses -- As introduced, provides that venue and territorial jurisdiction for the offense of identity theft may be where the victim resides or is located. Amends TCA Title 38; Title 39 and Title 40.

**House Bill No. 300** -- Criminal Offenses -- As introduced, broadens offense of harassment to include electronic communication with or about another person or transmission or display of images that causes or may reasonably cause emotional distress; allows law enforcement to access log files, images or communications posted on social network services' Web sites. Amends TCA Title 39, Chapter 17, Part 3.

**House Bill No. 860** -- Criminal Procedure -- As introduced, provides that venue for the prosecution of the offense of promotion of methamphetamine manufacture is proper in any county in which a drug or chemical used to produce meth or an immediate meth precursor is purchased. Amends TCA Title 39, Chapter 17, Part 4.

**House Bill No. 980** -- Veterans -- As introduced, clarifies that property tax relief must be extended to surviving spouses of veterans whose combat-related casualties were from hostile or non-hostile causes. Amends TCA Section 67-5-704.

## MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY

**House Bill No. 1284** -- Taxes, Exemption and Credits -- As introduced, requires that all property taxes be paid in full on any property subject to the "Property Tax Freeze Act". Amends TCA Section 67-5-705.

**House Bill No. 1329** -- Child Abuse -- As introduced, allows a court to prohibit any person convicted of child abuse or aggravated child abuse from contacting such person's victim if the person does not have any parental rights to such victim, including contact via electronic means. Amends TCA Title 38; Title 39; Title 40 and Title 41.

**House Bill No. 1586** -- Labor -- As introduced, broadens scope of violence in the workplace laws. Amends TCA Title 20, Chapter 14.

**House Bill No. 1748** -- Alcoholic Beverages -- As introduced, adds certain facility to the definition of premier-type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Amends TCA Section 57-4-102.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 276, 278 through 293**; and **Senate Resolution No. 30** be passed on first consideration and lie over, which motion prevailed.

### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 276** by Senator Woodson.  
Memorials, Recognition -- Annual Statehood Day Living History Weekend.

**Senate Joint Resolution No. 278** by Senator Tracy.  
Memorials, Professional Achievement -- Colonel Jeffrey H. Holmes, promoted to Commander of the 194th Engineer Brigade of the Tennessee Army National Guard.

**Senate Joint Resolution No. 279** by Senator Southerland.  
Memorials, Death -- Sam K. Keesecker.

**Senate Joint Resolution No. 280** by Senator Burks.  
Memorials, Academic Achievement -- Tianqi Gao, Salutatorian, Cookeville High School.

**Senate Joint Resolution No. 281** by Senator Burks.  
Memorials, Academic Achievement -- William Gordan Kualls, Valedictorian, Upperman High School.

**Senate Joint Resolution No. 282** by Senator Burks.  
Memorials, Academic Achievement -- Andrew Tyler Eastes, Valedictorian, White County High School.

**Senate Joint Resolution No. 283** by Senator Burks.  
Memorials, Academic Achievement -- Kendra Lynnette Carey, Valedictorian, Stone Memorial High School.

## **MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

### **Senate Joint Resolution No. 284** by Senator Burks.

Memorials, Academic Achievement -- Timberly Kaye Singleton, Salutatorian, Monterey High School.

### **Senate Joint Resolution No. 285** by Senator Burks.

Memorials, Academic Achievement -- Anthony Kristopher Scott, Salutatorian, Cumberland County High School.

### **Senate Joint Resolution No. 286** by Senator Burks.

Memorials, Academic Achievement -- Jerry Dakota Lowhorn, Valedictorian, Monterey High School.

### **Senate Joint Resolution No. 287** by Senator Burks.

Memorials, Academic Achievement -- John Christopher Garland, Valedictorian, Cumberland County High School.

### **Senate Joint Resolution No. 288** by Senator Burks.

Memorials, Academic Achievement -- Joshua Michael Ward, Salutatorian, White County High School.

### **Senate Joint Resolution No. 289** by Senator Burks.

Memorials, Academic Achievement -- Katherine Sloan French, Salutatorian, Stone Memorial High School.

### **Senate Joint Resolution No. 290** by Senator Burks.

Memorials, Academic Achievement -- David Jiang, Valedictorian, Cookeville High School.

### **Senate Joint Resolution No. 291** by Senator Burks.

Memorials, Academic Achievement -- Rachel Anne Presley, Salutatorian, Jackson County High School.

### **Senate Joint Resolution No. 292** by Senator Burks.

Memorials, Academic Achievement -- Forrest Ray Driver, Valedictorian, Jackson County High School.

### **Senate Joint Resolution No. 293** by Senator Burks.

Memorials, Academic Achievement -- Nathan Brent Whitehead, Salutatorian, Upperman High School.

### **Senate Resolution No. 30** by Senator Herron.

Memorials, Recognition -- Joe Staton and Mike Curtis.

## **MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 263 through 274, 276 through 280, 282, 284 through 287, 289, 305 and 306**; and **Senate Joint Resolutions Nos. 224, 225, 227 through 237 and 239 through 275** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

## **RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**House Joint Resolution No. 263** -- Memorials, Professional Achievement -- Amanda Tullock, Hawkins County Teacher of the Year for Church Hill Elementary School.

The Speaker announced that he had referred House Joint Resolution No. 263 to the Committee on Calendar.

**House Joint Resolution No. 264** -- Memorials, Professional Achievement -- Tracie M. Hill, Hawkins County Teacher of the Year for Church Hill Intermediate School.

The Speaker announced that he had referred House Joint Resolution No. 264 to the Committee on Calendar.

**House Joint Resolution No. 265** -- Memorials, Professional Achievement -- Beth Leroy, Cherokee High School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 265 to the Committee on Calendar.

**House Joint Resolution No. 266** -- Memorials, Professional Achievement -- Tamera Tate, Keplar Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 266 to the Committee on Calendar.

**House Joint Resolution No. 267** -- Memorials, Professional Achievement -- Justin Nelson, Teacher of the Year at Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 267 to the Committee on Calendar.

**House Joint Resolution No. 268** -- Memorials, Professional Achievement -- Lori Allen, Teacher of the Year at Joseph Rogers Primary School.

The Speaker announced that he had referred House Joint Resolution No. 268 to the Committee on Calendar.

**House Joint Resolution No. 269** -- Memorials, Professional Achievement -- Tiffany Trent, Hawkins County Teacher of the Year for St. Clair Elementary School.

The Speaker announced that he had referred House Joint Resolution No. 269 to the Committee on Calendar.

**House Joint Resolution No. 270** -- Memorials, Professional Achievement -- Sarah Arnold, Hawkins County Teacher of the Year for the kindergarten through fourth grade division.

The Speaker announced that he had referred House Joint Resolution No. 270 to the Committee on Calendar.

**House Joint Resolution No. 271** -- Memorials, Professional Achievement -- William Richard Watson II, Hawkins County Teacher of the Year for High Schools.

## **MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

The Speaker announced that he had referred House Joint Resolution No. 271 to the Committee on Calendar.

**House Joint Resolution No. 272** -- Memorials, Professional Achievement -- Jason Thomas Joyner, Hawkins County Teacher of the Year for the fifth through eighth grade division.

The Speaker announced that he had referred House Joint Resolution No. 272 to the Committee on Calendar.

**House Joint Resolution No. 273** -- Memorials, Professional Achievement -- Jill Miller, Teacher of the Year at Mooresburg Elementary School.

The Speaker announced that he had referred House Joint Resolution No. 273 to the Committee on Calendar.

**House Joint Resolution No. 274** -- Memorials, Professional Achievement -- Elesha Cornett, McPheeter's Bend Elementary Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 274 to the Committee on Calendar.

**House Joint Resolution No. 276** -- Memorials, Academic Achievement -- Dillon Scott Pauley, Valedictorian, Macon County High School.

The Speaker announced that he had referred House Joint Resolution No. 276 to the Committee on Calendar.

**House Joint Resolution No. 277** -- Memorials, Academic Achievement -- Courtney Storey, Valedictorian, Sale Creek High School.

The Speaker announced that he had referred House Joint Resolution No. 277 to the Committee on Calendar.

**House Joint Resolution No. 278** -- Memorials, Retirement -- Richard Lewis Fisher.

The Speaker announced that he had referred House Joint Resolution No. 278 to the Committee on Calendar.

**House Joint Resolution No. 279** -- Memorials, Academic Achievement -- Kaleb Langstan, Valedictorian, Soddy Daisy High School.

The Speaker announced that he had referred House Joint Resolution No. 279 to the Committee on Calendar.

**House Joint Resolution No. 280** -- Memorials, Academic Achievement -- Caylee Grace Cochran, Valedictorian, Rhea County High School.

The Speaker announced that he had referred House Joint Resolution No. 280 to the Committee on Calendar.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**House Joint Resolution No. 282** -- Memorials, Professional Achievement -- Amy Antrican, Hawkins Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 282 to the Committee on Calendar.

**House Joint Resolution No. 284** -- Memorials, Academic Achievement -- Hannah June Reynolds, Valedictorian, Maryville Christian School.

The Speaker announced that he had referred House Joint Resolution No. 284 to the Committee on Calendar.

**House Joint Resolution No. 285** -- Memorials, Academic Achievement -- Samuel Cupp, Salutatorian, Maryville High School.

The Speaker announced that he had referred House Joint Resolution No. 285 to the Committee on Calendar.

**House Joint Resolution No. 286** -- Memorials, Academic Achievement -- Jessica Cherylynn Beaulieu, Salutatorian, Maryville Christian School.

The Speaker announced that he had referred House Joint Resolution No. 286 to the Committee on Calendar.

**House Joint Resolution No. 287** -- Memorials, Academic Achievement -- Robert Pedersen, Valedictorian, Maryville High School.

The Speaker announced that he had referred House Joint Resolution No. 287 to the Committee on Calendar.

**House Joint Resolution No. 289** -- Memorials, Recognition -- Dr. Benjamin Hooks Inaugural Memorial Walk.

The Speaker announced that he had referred House Joint Resolution No. 289 to the Committee on Calendar.

**House Joint Resolution No. 305** -- General Assembly, Joint Conventions -- Calls joint convention on Wednesday, April 27, 2011, for the purpose of the election of the members of the State Election Commission.

The Speaker announced that he had referred House Joint Resolution No. 305 to the Committee on Calendar.

**House Joint Resolution No. 306** -- Memorials, Public Service -- Benny Bills, Sumner County Director of Schools.

The Speaker announced that he had referred House Joint Resolution No. 306 to the Committee on Calendar.

**Senate Joint Resolution No. 224** -- Naming and Designating -- Designates May 15-23, 2011, as "Police Memorial Week" in Tennessee.

## **MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 224 to the Committee on Judiciary.

**Senate Joint Resolution No. 225** -- Memorials, Recognition -- Nissan North America, Inc., 2011 Energy Star Award.

The Speaker announced that he had referred Senate Joint Resolution No. 225 to the Committee on Calendar.

**Senate Joint Resolution No. 227** -- Memorials, Government Officials -- Expresses opposition to State of Georgia's proposal to meet its water supply needs by diverting water away from the Tennessee River Basin.

The Speaker announced that he had referred Senate Joint Resolution No. 227 to the Committee on Environment, Conservation and Tourism.

**Senate Joint Resolution No. 228** -- Memorials, Professional Achievement -- Mai Bell Hurley, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 228 to the Committee on Calendar.

**Senate Joint Resolution No. 229** -- Memorials, Professional Achievement -- Amanda Tidwell Buchanan, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 229 to the Committee on Calendar.

**Senate Joint Resolution No. 230** -- Memorials, Professional Achievement -- Dr. Deborah Elwell Arkin, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 230 to the Committee on Calendar.

**Senate Joint Resolution No. 231** -- Memorials, Professional Achievement -- Susan Stein, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 231 to the Committee on Calendar.

**Senate Joint Resolution No. 232** -- Memorials, Professional Achievement -- Lynda Minks Hood, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 232 to the Committee on Calendar.

**Senate Joint Resolution No. 233** -- Memorials, Professional Achievement -- Deanne Irvine, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 233 to the Committee on Calendar.



**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 234** -- Memorials, Professional Achievement -- Linda G. Harwell, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 234 to the Committee on Calendar.

**Senate Joint Resolution No. 235** -- Memorials, Professional Achievement -- Scottie Goodman Summerlin, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 235 to the Committee on Calendar.

**Senate Joint Resolution No. 236** -- Memorials, Professional Achievement -- Dr. Charlotte Boatwright, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 236 to the Committee on Calendar.

**Senate Joint Resolution No. 237** -- Memorials, Professional Achievement -- Molly Sasse, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 237 to the Committee on Calendar.

**Senate Joint Resolution No. 239** -- Memorials, Interns -- Grant Monroe.

The Speaker announced that he had referred Senate Joint Resolution No. 239 to the Committee on Calendar.

**Senate Joint Resolution No. 240** -- Memorials, Professional Achievement -- Sheila Boyington, 2011 Chattanooga Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 240 to the Committee on Calendar.

**Senate Joint Resolution No. 241** -- Memorials, Death -- Anthony Kaufmann.

The Speaker announced that he had referred Senate Joint Resolution No. 241 to the Committee on Calendar.

**Senate Joint Resolution No. 242** -- Memorials, Academic Achievement -- Kristin Alexis Jeffers, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 242 to the Committee on Calendar.

**Senate Joint Resolution No. 243** -- Memorials, Academic Achievement -- Jacob Miles Sexton, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 243 to the Committee on Calendar.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 244** -- Memorials, Academic Achievement -- James Tyler Wilson, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 244 to the Committee on Calendar.

**Senate Joint Resolution No. 245** -- Memorials, Academic Achievement -- Whitney Raven Posey, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 245 to the Committee on Calendar.

**Senate Joint Resolution No. 246** -- Memorials, Academic Achievement -- Daphne Lynn Bunch, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 246 to the Committee on Calendar.

**Senate Joint Resolution No. 247** -- Memorials, Academic Achievement -- Ashley Nichole Lowe, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 247 to the Committee on Calendar.

**Senate Joint Resolution No. 248** -- Memorials, Academic Achievement -- Dylan Richard Moore, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 248 to the Committee on Calendar.

**Senate Joint Resolution No. 249** -- Memorials, Academic Achievement -- Kelsey Renae Lowe, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 249 to the Committee on Calendar.

**Senate Joint Resolution No. 250** -- Memorials, Academic Achievement -- Afton Ciare Boles, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 250 to the Committee on Calendar.

**Senate Joint Resolution No. 251** -- Memorials, Academic Achievement -- Chelsey Morgan King, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 251 to the Committee on Calendar.

**Senate Joint Resolution No. 252** -- Memorials, Academic Achievement -- Preston Rodney Harness, Valedictorian, Scott High School.

## **MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 252 to the Committee on Calendar.

**Senate Joint Resolution No. 253** -- Memorials, Academic Achievement -- Taylor Erin Buttram, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 253 to the Committee on Calendar.

**Senate Joint Resolution No. 254** -- Memorials, Academic Achievement -- Bailey Monroe Kirkpatrick, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 254 to the Committee on Calendar.

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement -- Bradly Aaron Brooks, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 255 to the Committee on Calendar.

**Senate Joint Resolution No. 256** -- Memorials, Academic Achievement -- Trevor Lee Stevens, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 256 to the Committee on Calendar.

**Senate Joint Resolution No. 257** -- Memorials, Academic Achievement -- Elissa Nichole Lowe, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 257 to the Committee on Calendar.

**Senate Joint Resolution No. 258** -- Memorials, Academic Achievement -- Micah Nichole Hughett, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 258 to the Committee on Calendar.

**Senate Joint Resolution No. 259** -- Memorials, Academic Achievement -- Tiffany Ruth Ann Mullins, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 259 to the Committee on Calendar.

**Senate Joint Resolution No. 260** -- Memorials, Academic Achievement -- Kristin Ann Clark, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 260 to the Committee on Calendar.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 261** -- Memorials, Academic Achievement -- Jared Reese Adkins, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 261 to the Committee on Calendar.

**Senate Joint Resolution No. 262** -- Memorials, Academic Achievement -- Bradley Dwayne Stephens, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 262 to the Committee on Calendar.

**Senate Joint Resolution No. 263** -- Memorials, Academic Achievement -- Devon Nicole Byrd, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 263 to the Committee on Calendar.

**Senate Joint Resolution No. 264** -- Memorials, Academic Achievement -- Shay Anderson, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 264 to the Committee on Calendar.

**Senate Joint Resolution No. 265** -- Memorials, Academic Achievement -- Heather Renee Bunch, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 265 to the Committee on Calendar.

**Senate Joint Resolution No. 266** -- Memorials, Academic Achievement -- Felecia Kay Duncan, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 266 to the Committee on Calendar.

**Senate Joint Resolution No. 267** -- Memorials, Academic Achievement -- Brogan Shaelee Phillips, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 267 to the Committee on Calendar.

**Senate Joint Resolution No. 268** -- Memorials, Academic Achievement -- Ashley Kay Lowe, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 268 to the Committee on Calendar.

**Senate Joint Resolution No. 269** -- Memorials, Academic Achievement -- Jasmine Rhea Hill, Valedictorian, Scott High School.

## **MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 269 to the Committee on Calendar.

**Senate Joint Resolution No. 270** -- Memorials, Academic Achievement -- Lacey Olivia Carver, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 270 to the Committee on Calendar.

**Senate Joint Resolution No. 271** -- Memorials, Academic Achievement -- Randall Treye Stephens, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 271 to the Committee on Calendar.

**Senate Joint Resolution No. 272** -- Memorials, Academic Achievement -- Rhyan Keith Murley, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 272 to the Committee on Calendar.

**Senate Joint Resolution No. 273** -- Memorials, Academic Achievement -- Jodi LaShae Sexton, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 273 to the Committee on Calendar.

**Senate Joint Resolution No. 274** -- Memorials, Academic Achievement -- Ryan Scott Sauls, Salutatorian, Scott High School.

The Speaker announced that he had referred Senate Joint Resolution No. 274 to the Committee on Calendar.

**Senate Joint Resolution No. 275** -- Memorials, Academic Achievement -- Courtney Bowers, Valedictorian, Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 275 to the Committee on Calendar.

### **MOTION**

Senator Watson moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 294**, out of order, which motion prevailed.

### **INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 294** by Senator Watson.  
Memorials, Public Service -- Charles E. Peavyhouse.

On motion of Senator Watson, the rules were suspended for the immediate consideration of the resolution.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

On motion, **Senate Joint Resolution No. 294** was adopted.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 206** -- Memorials, Professional Achievement -- James Madison, 2010 Master Logger of the Year.

**Senate Joint Resolution No. 207** -- Memorials, Recognition -- William H. Coley, inducted into the Wilson County Agricultural Hall of Fame.

**Senate Joint Resolution No. 208** -- Memorials, Recognition -- Harold Edwin Stanford, inducted into the Wilson County Agricultural Hall of Fame.

**Senate Joint Resolution No. 209** -- Memorials, Recognition -- Moss Brothers Seed Company, inducted into the Wilson County Agricultural Hall of Fame.

**Senate Joint Resolution No. 210** -- Memorials, Academic Achievement -- John Michael Cook, Valedictorian, Wilson Central High School.

**Senate Joint Resolution No. 211** -- Memorials, Sports -- Clay County High School boys' basketball team, Region 4A Champions.

**Senate Joint Resolution No. 212** -- Memorials, Recognition -- Jim K. Lancaster, inducted into the Wilson County Agricultural Hall of Fame.

**Senate Joint Resolution No. 215** -- Memorials, Retirement -- Raymond Walker, retirement as Executive Director of Rhea Economic and Tourism Council.

**Senate Joint Resolution No. 216** -- Memorials, Death -- Suzanne Chidester Johnson.

**Senate Joint Resolution No. 217** -- Memorials, Death -- Thurston Lee Smith.

**Senate Joint Resolution No. 218** -- Memorials, Academic Achievement -- Kevin Ross Shuel, Salutatorian, Stewart County High School.

**Senate Joint Resolution No. 219** -- Memorials, Academic Achievement -- Kaitlyn Joy Warren, Valedictorian, Stewart County High School.

**Senate Joint Resolution No. 220** -- Memorials, Death -- Sandy Bryan Hodge.

**Senate Joint Resolution No. 223** -- Memorials, Death -- Chester White.

**House Joint Resolution No. 235** -- Memorials, Personal Occasion -- Sarah Eva Goodman Sanders, ninetieth birthday.

**House Joint Resolution No. 236** -- Memorials, Academic Achievement -- John Eisenstein, Salutatorian, Lebanon High School.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**House Joint Resolution No. 237** -- Memorials, Academic Achievement -- Shareeda Van Straaten, Valedictorian, Watertown High School.

**House Joint Resolution No. 238** -- Memorials, Academic Achievement -- Azariah Parfaite, Salutatorian, Watertown High School.

**House Joint Resolution No. 239** -- Memorials, Academic Achievement -- Jordan Blackburn, Salutatorian, Cannon County High School.

**House Joint Resolution No. 240** -- Memorials, Academic Achievement -- Damian Coomes, Valedictorian, Cannon County High School.

**House Joint Resolution No. 241** -- Memorials, Recognition -- Hixson Elementary School, 50th anniversary.

**House Joint Resolution No. 242** -- Memorials, Recognition -- William Eggleston.

**House Joint Resolution No. 243** -- Memorials, Recognition -- Judy Peiser.

**House Joint Resolution No. 244** -- Memorials, Academic Achievement -- Stephen Hickson, Valedictorian, Lebanon High School.

**House Joint Resolution No. 246** -- Memorials, Recognition -- A. Schwab's Dry Goods Store.

**House Joint Resolution No. 250** -- Memorials, Academic Achievement -- Ben Cook, Salutatorian, Macon County High School.

**House Joint Resolution No. 251** -- Memorials, Personal Achievement -- Fredrick Elias "Eli" Hurt, Eagle Scout.

**House Joint Resolution No. 252** -- Memorials, Recognition -- Africa In April Cultural Awareness Festival.

**House Joint Resolution No. 253** -- Memorials, Sports -- Liberty Technology Magnet High School boys' basketball team, TSSAA Division I Class AA State Champions.

**House Joint Resolution No. 254** -- Memorials, Professional Achievement -- Emily Cornett, Carter's Valley Elementary Teacher of the Year.

**House Joint Resolution No. 255** -- Memorials, Professional Achievement -- Nora Barton, Teacher of the Year at Volunteer High School.

**House Joint Resolution No. 256** -- Memorials, Professional Achievement -- Mary Jane Tunnell-Dubuque, Teacher of the Year at Clinch School.

**House Joint Resolution No. 257** -- Memorials, Professional Achievement -- Shasha Laster, Surgoinsville Elementary School Teacher of the Year.

**House Joint Resolution No. 258** -- Memorials, Professional Achievement -- Sherry Seal, Teacher of the Year at Surgoinsville Middle School.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**House Joint Resolution No. 259** -- Memorials, Death -- J.W. Salley.

**House Joint Resolution No. 260** -- Memorials, Professional Achievement -- Christopher Carr, Rogersville Middle School.

**House Joint Resolution No. 261** -- Memorials, Professional Achievement -- Carolyn Metz, Bulls Gap School.

**House Joint Resolution No. 262** -- Memorials, Death -- Paul Emory Reed, M.D.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bills were placed at the heel of the calendar for Thursday, April 28, 2011, pursuant to Rule 38: **Senate Bills Nos. 214, 426 and 489.**

**Senate Bill No. 187** -- Sunset Laws -- As introduced, extends the water and wastewater operators, board of certification, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 221, Part 9.

On motion, Senate Bill No. 187 was made to conform with **House Bill No. 623.**

On motion, House Bill No. 623, on same subject, was substituted for Senate Bill No. 187.

**Senate Bill No. 413** -- Education -- As introduced, states that a parent, guardian or other person who has control of a truant student commits educational neglect. Amends TCA Title 49, Chapter 6, Part 30.

**Senate Bill No. 954** -- Election Laws -- As introduced, adds to current list of persons committing felonies or sexual offenses who are never eligible to register to vote, a violation containing the same elements and designated as a felony in any other state or federal court. Amends TCA Section 40-29-204.

On motion, Senate Bill No. 954 was made to conform with **House Bill No. 1117.**

On motion, House Bill No. 1117, on same subject, was substituted for Senate Bill No. 954.

**Senate Bill No. 1448** -- Revenue, Dept. of -- As introduced, allows taxpayers and the commissioner or the commissioner's delegate to enter into agreements extending the one-year statute of limitations period for filing suits in chancery court challenging denied claims for refund. Amends TCA Section 67-1-1802.



**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 122** -- Naming and Designating -- "Rare Disease Day" February 28, 2011.

**House Joint Resolution No. 104** -- Physicians and Surgeons -- Directs the board of medical examiners in collaboration with the board of nursing and the committee on physician assistants to study issues relating to the delivery of hormone replacement therapy.

Senator Faulk moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 31** -- Transportation, Dept. of -- As introduced, authorizes TDOT to allow certain commercial advertising on incident response HELP trucks; proceeds deposited in highway fund. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as a new, appropriately designated section:

4-3-2309.

(a) The department is authorized to allot space on the exterior of the incident response HELP trucks and enter into contracts for the purpose of obtaining commercial sponsorship for the HELP program.

(b) All revenue generated from any commercial sponsorship authorized by this section shall be deposited in the highway fund to be used solely for transportation purposes.

(c) Such commercial sponsorship shall not include, identify or promote:

(1) Alcohol or tobacco products;

(2) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

(3) Political candidacies, political issue advocacy, or political campaign advertising as prohibited in § 2-19-144; or

(4) Any unlawful conduct or activities.

(d) The department shall prefer sponsorship by organizations that have a transportation purpose or otherwise promote highway safety.

(e)(1) The sponsorship message shall identify the sponsor as a sponsor of the HELP program and otherwise shall include only the name and logo of the sponsor.

(2) The sponsorship message shall not be located on the front of vehicle, including the front of the utility compartment, or on the cab of the vehicle, including the doors.

(3) The sponsorship message may be located on the storage compartment doors on either side of the utility compartment or on the back of the vehicle, excluding the message board or arrow board.

(4) The logo of the sponsor shall not exceed 400 square inches in size, and the lettering identifying the sponsor shall not exceed eight inches (8") in height.

(f) In consultation with the Department of Safety, the Department of Transportation is authorized to promulgate rules and regulations or adopt policies as needed to effectuate this section.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 31**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	5
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Finney, Ford, Herron, Kyle and Marrero--5.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

**Senate Bill No. 32** -- Transportation, Dept. of -- As introduced, authorizes TDOT to allow certain commercial advertising on the Tennessee 511 system; proceeds deposited in highway fund. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as a new, appropriately designated section:

4-3-2309.

(a) The department is authorized to obtain commercial sponsorship of the 511 system and to enter into contracts for this purpose.

(b) All revenue generated from any commercial sponsorship authorized by this section shall be deposited in the highway fund to be used solely for transportation purposes.

(c) Such commercial sponsorship shall not include, identify or promote:

(1) Alcohol or tobacco products;

(2) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;

(3) Political candidacies, political issue advocacy, or political campaign advertising as prohibited in § 2-19-144; or

(4) Any unlawful conduct or activities.

(d) The department shall prefer sponsorships by organizations which have a transportation purpose or otherwise promote highway safety.

(e) In consultation with the Department of Safety, the Department of Transportation is authorized to promulgate rules and regulations or adopt policies as needed to effectuate this section.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following as a new subsection to the amendatory language of Section 4-3-2309 of Section 1:

( ) Sponsorship of the 511 system shall be limited to identification of sponsors of a traffic information message. Sponsors' recorded messages shall be not more than fifteen (15) seconds and may precede or follow the traffic information message. The Commissioner of Transportation or the commissioner's designee shall review and approve all recorded commercial sponsorship messages.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 32**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	4
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Finney, Ford, Herron and Marrero--4.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

**Senate Bill No. 96** -- Welfare -- As introduced, prohibits persons convicted of a felony drug offense on and after July 1, 2011, from being eligible for receiving Families First benefits [TANF]. Amends TCA Title 71, Chapter 3, Part 1.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-3-154(k)(2), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2)(A) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or before June 30, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for Families First Program benefits for such convictions, if such person, as determined by the department:

(i)(a) Is currently participating in a substance abuse treatment program approved by the Department of Human Services;

(b) Is currently enrolled in a substance abuse treatment program approved by the Department of Human Services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(c) Has satisfactorily completed a substance abuse treatment program approved by the Department of Human Services; or

(d) Is determined by a treatment provider licensed by the Department of Mental Health not to need substance abuse treatment according to TennCare guidelines; and

(ii) Is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.

(B) Eligibility based upon the factors in subdivision (k)(2)(A) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors of program eligibility, including, specifically, being accountable for the requirements of the personal responsibility plan required by this part.

(C) Notwithstanding the provisions of subdivisions (k)(2)(A) or (k)(2)(B) to the contrary, no person convicted of a Class A felony for violating a provision of Title 39, Chapter 17, Part 4, shall be eligible for the exemptions provided by subdivision (k)(2)(A) or (k)(2)(B).

(D) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or after July 1, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for Families First Program benefits for such convictions, if such person meets the following requirements:

(i)(a) Requirements contained in subdivisions (k)(2)(A) or (k)(2)(B) and (k)(2)(C)

(b) If treatment was prescribed according to the requirements in subdivisions (k)(2)(A) or (k)(2)(B), successful completion of a substance abuse program must occur within three (3) attempts. If such person does not complete the originally prescribed treatment program within three (3) attempts, the individual shall be ineligible for a period of three (3) years.

(E) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted of a second drug felony under federal or state law of a felony involving possession, use or distribution of a controlled substance on or

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

after July 1, 2011, shall not be eligible for Families First Program benefits for a period of three (3) years from the date of conviction.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 96**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 157** -- Sunset Laws -- As introduced, extends the Tennessee medical laboratory board, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29, Part 1.

On motion, Senate Bill No. 157 was made to conform with **House Bill No. 257**.

On motion, House Bill No. 257, on same subject, was substituted for Senate Bill No. 157.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION\_\_\_\_. Tennessee Code Annotated, Section 68-29-109, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d) The members of the board may be selected from a list of nominees submitted to the governor from interested medical groups including, but not limited to, the professional organizations as provided in this subsection.

(1) The following organizations and other interested medical groups, excluding those listed in subdivisions (3)(A) — (E), may submit names for each appointment in the categories listed:

(A) Tennessee Medical Association, in consultation with the Tennessee Society of Pathologists, giving due regard to geographic distribution — pathologist members;

(B) Tennessee Medical Association — non-pathologist physician member; and

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

(C) Tennessee Hospital Association — hospital administrator member and hospital laboratory manager/administrative director member.

(2) All interested medical groups including, but not limited to, the organizations listed in this subsection (d) may submit names for the independent laboratory representative.

(3) The following organizations and other interested medical groups, excluding those associations listed in subdivisions (1)(A) — (C) may submit names for each appointment of members listed in subsection (b), with the exception of the pathologists, non-pathologist physician, and hospital administrator:

(A) Tennessee Society for Medical Technology;

(B) Tennessee State Society of American Medical Technologists;

(C) Tennessee chapter — Clinical Laboratory Management Association;

(D) Tennessee Association of Blood Banks; and

(E) Tennessee chapter — Southern Association for Clinical Microbiology.

(4) Lists of nominees shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any member.

(5) The governor shall consult with interested medical groups including, but not limited to, the organizations as provided in this subsection, to determine qualified persons to fill the positions.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 257**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 205** -- Sunset Laws -- As introduced, extends the Douglas Henry State Museum Commission, June 30, 2012. Amends TCA Title 4, Chapter 20, Part 3 and Title 4, Chapter 29.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

On motion, Senate Bill No. 205 was made to conform with **House Bill No. 654**.

On motion, House Bill No. 654, on same subject, was substituted for Senate Bill No. 205.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 654** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 225** -- Sunset Laws -- As introduced, extends the Tennessee board of court reporting, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 20, Chapter 9, Part 6.

On motion, Senate Bill No. 225 was made to conform with **House Bill No. 671**.

On motion, House Bill No. 671, on same subject, was substituted for Senate Bill No. 225.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 20-9-604, is amended by deleting subsection (c) and substituting instead the following:

(c) All members of the board shall be citizens of the United States and the state. The initial terms shall begin July 1, 2009, and all appointments shall be made by the governor prior to July 1 of each year for which appointments are to be made. A list of qualified nominees may be submitted to the governor. In making court reporter appointments to the board, the governor shall consult with interested court reporter groups including, but not limited to, the Tennessee Court Reporters Association to determine qualified persons to fill the positions.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 671**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0



**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 232** -- State Government -- As introduced, requires joint evaluation committees to meet at least quarterly. Amends TCA Title 4, Chapter 29.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-233, is amended by deleting subdivisions (1), (23) and (24) in their entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235, is amended by adding the following language as new, appropriately designated subdivisions:

( ) State procurement commission, created by § 4-56-102;

( ) State protest committee, created by § 4-56-103;

( ) Advisory council on state procurement, created by § 4-56-106;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 232**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 393** -- Nuisances -- As introduced, declares those dealing in antique, used or scrap jewelry and precious metals to be a nuisance if such dealers fail to comply with all requirements of the scrap jewelry and metal dealers law; allows a temporary injunction to be granted until such dealer provides an inventory to the court and agrees to comply with such law. Amends TCA Title 29, Chapter 3, Part 1 and Title 38, Chapter 1, Part 2.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

On motion, Senate Bill No. 393 was made to conform with **House Bill No. 338**.

On motion, House Bill No. 338, on same subject, was substituted for Senate Bill No. 393.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-205(b)(1), is amended by deleting the language "any law enforcement officer is authorized to" and substituting instead the language "an officer of a law enforcement agency in the county or municipality in which the property is located shall".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 38-1-205(b)(1), is amended by deleting the language "any law enforcement agency of the location of the property" and substituting instead "any law enforcement agency in the county or municipality in which the property is located".

On motion, Amendment No. 2 was adopted.

Senator Bell moved that **House Bill No. 338**, as amended, be moved three places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 432** -- Motor Vehicles -- As introduced, authorizes Department of Transportation to specify by rule unpaved county roads on which the use of off-highway vehicles will be permitted. Amends TCA Title 55 and Title 70, Chapter 9.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting in its entirety subdivision (2) of Section 1 of the printed bill and by substituting instead the following:

(2) Notwithstanding any law to the contrary, a county commission is authorized to specify the unpaved county roads in such county on which the use of off-highway vehicles as defined in § 70-9-103 shall be permitted.

On motion, Amendment No. 1 was adopted.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as a new subdivision to the amendatory language of Section 1, as amended:

(4) A driver operating a vehicle pursuant to subdivision (c)(1) or (c)(2) shall have on their person a valid license issued by the Department of Safety or by the appropriate agency of another state that authorizes the individual to operate a motor vehicle on highways.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 432**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 472** -- Election Laws -- As introduced, changes the timing and manner in which members of the County Election Commission are required to inspect new voter registration forms. Amends TCA Section 2-2-120.

On motion, Senate Bill No. 472 was made to conform with **House Bill No. 376**.

On motion, House Bill No. 376, on same subject, was substituted for Senate Bill No. 472.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 376** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 523** -- Transportation, Dept. of -- As introduced, creates interagency transportation coordination committee, composed of representatives of state departments, to coordinate transportation efforts of state and local government. Amends TCA Title 4 and Title 54.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as a new section:

4-3-2309.

(a) For purposes of this section, "transportation services" means public transportation services and transportation services for populations needing specialized assistance.

(b)(1) There is hereby created a special committee, to be known as "the coordination committee," to study the improvement of the methods of delivery and coordination of transportation services by state departments and agencies, as well as transportation provided by local government and non-profit agencies that are funded by state departments and agencies; the effectiveness of existing services and the need for new types of services; improvements in the effective use of existing funding by state departments and agencies to maximize financial efficiency; reduction of barriers to the effective funding of transportation services; identification of new sources of transportation funding; and improvement of universal mobility for Tennessee citizens and visitors.

(2) The coordination committee shall consist of the following persons and organizations:

(A) One (1) member of the Senate Transportation Committee and one (1) other member of the Senate, each to be selected by the Speaker of the Senate;

(B) One (1) member of the House Transportation Committee and one (1) other member of the House of Representatives, each to be selected by the Speaker of the House;

(C) Two (2) representatives of the Department of Transportation;

(D) One (1) representative of the Department of Human Services;

(E) One (1) representative of the Department of Children's Services;

(F) One (1) representative of the Department of Finance and Administration;

(G) One (1) representative of the Tennessee Department of Veterans Affairs;

(H) One (1) representative of the Bureau of TennCare;

(I) One (1) representative of the commission on aging and disability;

(J) One (1) representative of the Tennessee Public Transportation Association; and

(K) A representative from each department or state agency as deemed necessary by the Department of Transportation.

(3) The lead agency for supporting and staffing the coordination committee shall be the Department of Transportation.

(4) All appropriate state agencies shall provide assistance to the coordination committee upon request.

(5) All legislative members of the coordination committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly. Non-legislative members shall serve without compensation.

(6) The coordination committee shall only meet on days when the House of Representatives and the Senate are otherwise meeting in session or committee.

(c) Departmental representatives on the coordination committee shall represent such department's policy and operational levels. The coordination committee's purpose shall be to regularly coordinate the efforts of each agency as follows:

(1) Improve transportation coordination;

(2) Improve methods of delivery of passenger transportation;

(3) Improve effectiveness of service and improve overall financial efficiency;

(4) Improve universal mobility for Tennessee citizens and visitors; and

(5) Identify opportunities and barriers, and recommend solutions to improve transportation coordination.

(d) The coordination committee shall promote public education about the availability and use of transportation services in this state and provide such information to all departments in state government and to the general public.

(e) The coordination committee is directed to create a strategic transportation coordination plan that will guide its work for the next five (5) years. Such plan shall be updated every five (5) years.

(f) The Department of Transportation shall present an executive summary for the coordination committee to the Transportation Committees of the Senate and House of Representatives annually.

(g) Prior to issuing any grant or making an expenditure for transportation services in Tennessee, the state entity with authority to issue such grant or expenditure shall first coordinate with the coordination committee and report the amount of such grant or expenditure to the Department of Transportation's division of multimodal resources.

(h) Prior to expending any funds under a direct federal or private grant, the local entity receiving such grant for transportation services shall file a written report with the coordination committee detailing the amount of the grant and purpose.

(i) It is the intent of the general assembly that all departments of state government effectuate the provisions of this act using existing resources.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Tracy moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting in their entirety subsections (g) and (h) of Section 1 of the printed bill and by appropriately re-designating the subsequent subsection.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 523**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	33
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

#### FURTHER ACTION ON HOUSE BILL NO. 338, AS AMENDED

Thereupon, **House Bill No. 338**, as amended, passed its third and final consideration by the following vote:

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 599** -- Election Laws -- As introduced, changes date of presidential preference primary from first Tuesday in February to first Tuesday in March. Amends TCA Title 2.

On motion, Senate Bill No. 599 was made to conform with **House Bill No. 612**.

On motion, House Bill No. 612, on same subject, was substituted for Senate Bill No. 599.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 612** passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0  
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

**Senate Bill No. 720** -- Public Employees -- As introduced, creates a presumption that an infectious disease acquired by a firefighter, paramedic, emergency medical technician, or emergency medical technician advanced was suffered in the line of duty unless the contrary is shown by competent evidence. Amends TCA Title 7, Chapter 51, Part 2.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 2, is amended by adding Section 2 as a new, appropriately designated section.

SECTION 2. (a) As used in this section, unless the context otherwise requires:

(1) "Body fluids" means blood and body fluids containing visible blood and other fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control and Prevention, apply. For purposes of potential transmission of human immunodeficiency virus, "body fluids" includes salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which human immunodeficiency virus can be transmitted between persons;

(2)(A) "Emergency rescue worker" means any person employed full-time by the state or any political subdivision of the state, including any county having a metropolitan form of government, as a firefighter, paramedic, emergency medical technician or emergency medical technician advanced;

(B) "Emergency rescue worker" does not include any person employed by a public hospital or any person employed by a subsidiary thereof;

(3) "High risk of occupational exposure" means risk that is incurred because an emergency rescue worker, in performing the basic duties associated with such worker's employment:

(A) Provides emergency medical treatment in a non-healthcare setting where there is a potential for transfer of body fluids between persons; or

(B) At the site of an accident, fire, or other rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;

(4) "Infectious disease" means human immunodeficiency virus; and

(5) "Occupational exposure", in the case of infectious diseases, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.

(b)(1) The general assembly finds that an emergency rescue worker, in the course of employment, runs a high risk of occupational exposure to infectious disease.

(2) For reasons stated in subdivision (b)(1), any emergency rescue worker who suffers a condition or impairment of health that is caused by human immunodeficiency virus, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by a preponderance of the evidence. However, in order to be entitled to the presumption, the emergency rescue worker must verify by written declaration that, to the best of the emergency rescue worker's knowledge and belief: In case of a medical condition caused by or derived from human immunodeficiency, the emergency rescue work has not:



(A) Been exposed outside the scope of the worker's employment, through transfer of bodily fluids, to any person known to have any sickness or medical condition derived from an infectious disease;

(B) Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with the worker's present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for infectious disease, which tests failed to indicate the presence of any infectious disease;

(C) Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control and Prevention or the Surgeon General of the United States, or had sexual relations with a person known to the worker to have engaged in such unsafe sexual practices or other high-risk behavior; or

(D) Used intravenous drugs not prescribed by a physician;

(c) Whenever any standard, medically-recognized vaccine or other form of immunization exists for the prevention of an infectious disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the advisory committee on immunization practices of the United States public health service, an emergency rescue worker may be required by such worker's employer to undergo the immunization, unless the worker's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the worker's health. Absent such written declaration, failure or refusal by an emergency rescue worker to undergo such immunization disqualifies the worker from the benefits of the presumption established by this section.

(d) This section does not apply to benefits payable under or granted in a noncompulsory policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract. However, the state or any political subdivision of the state, including any county having a metropolitan form of government, may negotiate a policy contract for life and disability insurance that includes accidental death benefits or double indemnity coverage for any condition or impairment of health suffered by an emergency rescue worker, which condition or impairment is caused by an infectious disease and results in total or partial disability or death.

(e) An emergency rescue worker shall file an incident or accident report with the emergency rescue worker's employer of each instance of known or suspected occupational exposure to infectious disease as such is defined in subdivision (a)(4). The employer shall maintain a record of the incident or accident report so filed. Such report must be filed by the employee within seven (7) days of the incident or accident occurring.

(f)(1) In order to be entitled to the presumption established by this section, an emergency rescue worker must, prior to diagnosis, have undergone standard, medically-acceptable tests for evidence of the infectious disease for which the

presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection.

(2) On or after the effective date of this act, an emergency rescue worker may be required to undergo a pre-employment physical examination that tests for any evidence of infectious disease. In order to be entitled to the presumption established by this section, the test shall be negative for evidence of infectious diseases.

(g) This section does not apply to the Tennessee consolidated retirement system.

(h) This section shall apply to any emergency rescue worker following termination of service for a period of one (1) year commencing with the last actual date of service.

(i) This section shall not apply to cases involving a death of an emergency rescue worker in the line of duty.

SECTION 3. The provisions of this act shall not apply to full-time or part-time instructors of the Department of Commerce and Insurance.

SECTION 4. This act shall take effect upon July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following language as a new, appropriately designated amendatory subsection of Section 2:

( ) The presumption established in this section shall not apply to the state death benefit.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 720**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**Senate Bill No. 1140** -- Game and Fish Laws -- As introduced, requires TWRA to promulgate reasonable rules and regulations to promote commercial fishing activity as an economically viable commercial enterprise in Tennessee; establishes certain requirements for roe fishing; creates an advisory committee to aid TWRA in developing rules related to commercial fishing and roe fishing. Amends TCA Title 70, Chapter 2.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 2, is amended by adding the following new language as new Part 3:

70-2-301. The Wildlife Resources Commission is directed to promulgate reasonable rules and regulations necessary to promote commercial fishing activity as an economically viable commercial enterprise in Tennessee.

70-2-302.

(a) The agency shall request approval from the Convention for the International Trade of Endangered Species (CITES) to establish a length limit of no less than thirty-six (36) inches and an annual season length no shorter than November 15 to April 15. Should the approval not be granted, the agency is authorized to negotiate conditions under which the approval would be granted.

70-2-303.

(a) Tennessee residents shall be given preference in licensing with a limit on the number of non-resident permits.

(b) All nets shall be properly buoyed to promote safety on the waters of the state.

(c) The agency shall develop a plan to study sustainability, population conditions, and juvenile survival rates on waters not currently open to commercial roe fishing. With the assistance of the commercial fishing community in harvest surveys, such study shall include at least the following objectives:

(1) Description of the size structure and age structure of the existing paddlefish population;

(2) Determination of paddlefish population parameters including growth, recruitment, and natural mortality; and

(3) Assessment of the likelihood that the paddlefish population can provide a sustainable commercial fishery.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

70-2-304. To insure that the views of the commercial fishing community are appropriately communicated as well as to assist the wildlife resources agency in developing rules and regulations on commercial fishing, there is created a commercial fishing advisory committee. The committee members shall be named by the wildlife resources executive director and shall include, but not be limited to, licensed commercial fishers and roe fishers, dealers, and buyers. The members of the committee shall serve as volunteers and shall not be paid or reimbursed for time served as committee members.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1140**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 1288** -- Mining and Quarrying -- As introduced, enacts the "Tennessee Rock Harvesting Act". Amends TCA Title 59, Chapter 8, Part 2 and Title 69, Chapter 3, Part 1.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and substituting instead the following:

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

SECTION 1. Tennessee Code Annotated, Section 59-8-202(3), is amended by deleting the language "board of reclamation review as created by the Tennessee Coal Surface Mining Law of 1980, compiled in Part 3 of this chapter" and by substituting instead the language "Tennessee water quality control board established by § 69-3-104".

SECTION 2. Tennessee Code Annotated, Section 59-8-202(5), is amended by deleting the language "division of surface mining and reclamation" and by substituting instead the language "division of water pollution control".

SECTION 3. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following as new sections thereto:

69-3-143. Sections 69-3-143 – 69-3-147 shall govern rock harvesting operations as defined in § 69-3-144 (3).

69-3-144.

As used in this act, unless the context otherwise requires:

(1) As used for the purposes of rock harvesting under this act only, "mineral" means dimension stone, flagstone, fieldstone, landscaping stone, drystack stone, façade and marble, but does not include any other "mineral" as defined in § 59-8-202.

(2) "Operator" means any person engaged in rock harvesting who disturbs or intends to disturb one (1) acre or more of land or removes or intends to remove more than 100 tons of minerals as defined in § 69-3-144(1). Any operator who has obtained a permit and otherwise complied with the provisions of this part may subcontract any part or all of the rock harvesting area covered by the permit to the extent that such subcontractors meet all the qualifications and requirements of this part; and

(3) "Rock harvesting" means the removal of minerals, as defined in § 69-3-144 (1), by an operator with or without machinery.

69-3-145.

(a) No operator shall engage in rock harvesting without having first obtained from the commissioner a permit or notice of coverage under a general permit as required in § 69-3-108 and the regulations promulgated pursuant thereto. At least thirty (30) days prior to engaging in rock harvesting on any land in which the right to engage in rock harvesting has been severed from the ownership of the land surface, the operator shall send the owner of the surface, by certified mail, return receipt required, a copy of the permit or notice of coverage from the department. The operator shall forward copies of all records relating to the certified mailing to the department. All costs associated with the certified mailing and transmission of records to the department shall be borne by the operator.

(b) The granting of a permit shall be subject to payment by the operator of the fee prescribed in Title 68, Chapter 203, Part 1, and upon submission to the department of the following information:

(1) Evidence of the operator's legal right to harvest the minerals on the land affected by the permit;

(2) Proof of general liability and, if applicable, workers' compensation insurance coverage. The general liability policy shall be in an amount of no less than one million dollars (\$1,000,000). Proof of coverage shall be provided to the department prior to issuance of the permit;

(3) Proof of the registration with the Department of Revenue of the operator and any subcontractors;

(4) All application forms, maps, calculations and narratives required to satisfy § 69-3-108 and the regulations issued pursuant thereto; and

(5) A reclamation / stabilization plan which addresses backfilling, grading and revegetation of the site. The reclamation plan will be followed as operations proceed with the overburden and waste materials from succeeding cuts being utilized in the reclamation of preceding cuts. The overburden and waste material from the first cut may be utilized for access road construction. The plan shall provide for returning the affected area as close as is reasonable in the circumstances to its pre-harvesting state, considering the available overburden and other factors.

(c) Nothing in this section shall be construed to authorize the commissioner to adjudicate property rights disputes.

69-3-146.

(a) The commissioner is authorized to issue stop-work orders for rock harvesting operations in accordance with this section.

(b) When rock harvesting activities have polluted waters of the state as a result of an operator's knowing violation of permit conditions or an operator has failed or refused to obtain permit coverage as required in § 69-3-145, the commissioner may issue a stop-work order to the operator. The stop-work order shall specify those parts of the rock harvesting activities on site that are contributing to the pollution or require ceasing work until permit coverage is obtained. The stop-work order shall remain in effect until the department determines that the operator has obtained permit coverage and/or has taken all necessary measures to comply with the permit so that further pollution associated with the rock harvesting operations will not occur.

(c) A written request for a hearing before the water quality control board on the stop-work order shall be filed by the operator with the commissioner within thirty (30) days of the receipt of notice. If the operator

files the request and also makes a specific request for an informal meeting with the commissioner to show cause why the stop-work order should not have been issued, the commissioner or the commissioner's designee, shall meet with the operator within three (3) working days after the hearing request is filed. Any modification or revocation of the stop-work order shall be in writing. If the commissioner or the commissioner's designee upholds the stop-work order, it shall remain in effect until resolution of the appeal or until the operator comes into compliance. If no request for a hearing is made within thirty (30) days of the receipt of notice, the stop-work order shall be final and shall not be subject to review. In such case, the operator shall stabilize the site within sixty (60) days of the receipt of notice.

(d) Failure of an operator to comply with a stop-work order issued pursuant to this section shall subject the operator to another violation of this part in addition to any other violations the operator has committed that is subject to the penalties prescribed in § 69-3-115. The commissioner may also institute proceedings for the confiscation and forfeiture of equipment used in any rock harvesting operation to which a stop-work order has been issued. Such proceedings may be instituted in the chancery court of Davidson County, or in the chancery court of the county in which all or part of the rock harvesting operation is located.

69-3-147.

Except where a specific provision of §§ 69-3-143 through 69-3-147 is applicable, rock harvesting is subject to and shall be governed by this part.

SECTION 4. Notwithstanding any law to the contrary, where an owner of surface and mineral rights to real property enters into a contract for the conveyance of mineral rights in such property resulting in a severance of such interests, the parties to such conveyance shall identify the specific mineral interests to be conveyed to the purchaser of the mineral rights. The purchaser of the mineral interests shall identify such interests purchased by providing a deed reference number in accordance with § 67-5-804(c) for the mineral interest with the property assessor in the county in which the interests are located, as prescribed in this section. For the purposes of this section, "specific mineral interests" means only those minerals listed in the deed, as contemplated by the parties. All rights to minerals not described in the deed shall remain with the surface owner. The provisions of this section shall apply to all contracts entered into on or after July 1, 2011, and shall not impair the obligation of any existing contract, or be construed to direct courts in determining the intent of the parties who entered into a contract prior to such date.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1288**, as amended, passed its third and final consideration by the following vote:

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 2029** -- Motor Vehicles -- As introduced, requires title and registration division to search NCIC and any other government-affiliated data center for vehicle information relative to abandoned motor vehicles. Amends TCA Title 55, Chapter 16; Title 55, Chapter 21, Part 1; Title 66, Chapter 19, Part 1 and Title 66, Chapter 28, Part 5.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended by adding the following language as new subsection (e) and by redesignating all remaining language accordingly:

(e) If the owner of the vehicle is not present, then prior to any person, firm or entity towing any vehicle pursuant to this chapter, such person, firm or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. Local law enforcement shall keep a record of all such information which shall be available for public inspection.

SECTION 2. Tennessee Code Annotated, Section 66-19-103(c), is amended by adding the following language to the end of the present language:

If the owner of the vehicle is not present, then prior to any person, firm or entity towing any vehicle, such person, firm or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. Local law enforcement shall keep a record of all such information which shall be available for public inspection.

SECTION 3. Tennessee Code Annotated, Section 66-28-519, is amended by designating the present language as subsection (a) and by adding the following language as new subsection (b):

(b) If the owner of the vehicle is not present, then prior to any person, firm or entity towing any vehicle pursuant to this section, such person, firm or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. Local law enforcement shall keep a record of all such information which shall be available for public inspection.



**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2029**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Tracy moved that **Senate Bill No. 45** be placed on the Calendar for Thursday, April 28, 2011, which motion prevailed.

**Senate Bill No. 798** -- Insurance, Health, Accident -- As introduced, authorizes a dental service plan corporation to limit participation by dentists if the dental plan is provided or managed on behalf of or for a governmental entity. Amends TCA Title 56, Chapter 30.

On motion of Senator Overbey, Amendment No. 1 was withdrawn.

Senator Overbey moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-30-108, is amended by designating the current language as subsection (a) and by adding the following new language, to be designated as subsection (b):

(b) Notwithstanding subsection (a), a dental service plan corporation may limit participation in a plan that is providing or managing dental benefits for the impoverished uninsured on behalf of, or as required by, any governmental entity.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 798**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero,

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 923** be placed on the Calendar for Monday, May 2, 2011, which motion prevailed.

Senator Finney moved that **Senate Joint Resolution No. 177** be placed on the Calendar for Thursday, April 28, 2011, which motion prevailed.

**MOTION**

Senator Berke moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 325**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 325** -- Memorials, Recognition -- Brown v. Board of Commissioners of Chattanooga Event.

On motion of Senator Berke, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 325** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator McNally moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 327**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 327** -- Naming and Designating -- "Prader-Willi Syndrome Awareness Month", May 2011.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 327** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 55, 115, 321, 782, 1035, 1037, 1042, 1224, 1273, 1748, 1772 and 1945** on the calendar for the Committee on State and Local Government for Tuesday, April 26, 2011, which motion prevailed.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**REFERRAL OF BILL**

Mr. Speaker Ramsey announced that pursuant to Rule 31, Senate Bill No. 113 was referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

Thereupon, Senator McNally announced that pursuant to Rule 83(8), **Senate Bill No. 113** shall be placed on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 26, 2011, which motion prevailed.

**MOTION**

Senator Ketron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 295**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 295** by Senator Ketron.  
Memorials, Interns -- Nelson Tyler Rainey.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 295** was adopted.

A motion to reconsider was tabled.

**NOTICES**

**COMMITTEE ON CALENDAR'S REPORT  
ON QUALIFIED ANNUAL EVENTS SECOND REPORT**

Pursuant to Rule 76(1), the report was received and filed with the Clerk.

**REPORT OF THE COMMITTEE ON RULES OF THE  
107TH GENERAL ASSEMBLY**

The report was received and filed with the Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 265, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 655, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

Senator Norris moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 305**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 305** -- General Assembly, Joint Conventions -- Calls joint convention on Wednesday, April 27, 2011, for the purpose of the election of the members of the State Election Commission.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 305** was concurred in.

A motion to reconsider was tabled.

**MOTION**

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 96**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bill No. 413**.

On motion of Senators Bell, Stewart, Haynes, Ford, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 720**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1140**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bills Nos. 1828 and 1829**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Joint Resolution No. 177**.

On motion of Senators Burks, Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 215**.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

On motion of Senators Berke, McNally and Yager, their names were added as sponsors of **Senate Joint Resolution No. 294**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolution No. 57**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 236, 237, 238, 239, 240, 244 and 250**.

On motion of Senators Berke and Watson, their names were added as sponsors of **House Joint Resolutions Nos. 241 and 325**.

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolutions Nos. 242 and 243**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 254, 255, 256, 257, 258, 259, 260, 261 and 262**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 216**.

**ENGROSSED BILLS**

April 25, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 31, 32, 96, 232, 413, 432, 523, 720, 798, 1140, 1288, 1448 and 2029; and Senate Joint Resolutions Nos. 122, 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223, 294 and 295; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 396, 544, 546, 600, 758, 794, 808, 1055, 1093, 1120, 1134, 1135, 2035, 2133, 2134, 2141, 2142, 2143, 2144 and 2148; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 125, 127, 192, 200, 217, 290, 291, 292, 293, 294, 295, 296, 297, 300, 301, 302, 303, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 and 329; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 298, 325 and 327; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 31, 268, 407, 408, 549, 740, 773, 831, 832, 1446 and 1853; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 32, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1153, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1255, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1921, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 67, 191, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205 and 238; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 294, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

April 25, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 1255, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 31, 32, 268, 407, 408, 549, 740, 773, 831, 832, 1153, 1446, 1853 and 1921; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 67, 191, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 238 and 294; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 198, 1127, 1605 and 1633; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 26, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 376, 612, 623, 643, 654 and 1117; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 26, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 104, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 305, 325 and 327; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

April 25, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 162, 750, 1500, 1533, 1558, 1559, 1722 and 1811.

**SIGNED**

April 25, 2011

The Speaker announced that he had signed the following: Senate Bill No. 1255.

**SIGNED**

April 25, 2011

The Speaker announced that he had signed the following: House Bills Nos. 377, 378, 424, 457, 620, 628, 642, 661, 1081 and 1739.

**SIGNED**

April 26, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 67, 191, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 238 and 294.



**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**SIGNED**

April 26, 2011

The Speaker announced that he had signed the following: House Bills Nos. 198, 1127, 1605 and 1633.

**SIGNED**

April 26, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 104, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 305, 325 and 327.

**MESSAGE FROM THE HOUSE**

April 25, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1255, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 26, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 162, 750, 1500, 1533, 1558, 1559, 1722 and 1811; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 26, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 67, 191, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 238 and 294; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 1255, for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

April 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 67, 191, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 238 and 294; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

April 25, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 78, 135, 289, 355, 461, 510, 684, 799, 922, 930, 1013, 1119, 1172, 1193, 1341, 1347, 1451, 1789 and 1874; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 25, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 170, 171, 172, 173, 176 and 182; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 26, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1255, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 26, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 277, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 28, 2011: Senate Joint Resolutions Nos. 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; and House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 282, 284, 285, 286, 287, 289 and 306.

This the 26th day of April, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 28, 2011: Senate Bills Nos. 315, 448, 602, 1686, 1771 and 2004.

This the 26th day of April, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, April 28, 2011: Senate Bills Nos. 2097, 2098, 2099, 2100, 2103, 2104 and 2105.

This the 26th day of April, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 28, 2011: Senate Bills Nos. 49, 113, 414, 688, 741, 854, 882, 905, 1265, 1438, 1468, 1471, 1707, 1709, 1878 and 1837; Senate Joint Resolution No. 46; Senate Bills Nos. 45, 214, 426, 489, 611, 1145, 756, 818, 935 and 1009; and Senate Joint Resolution No. 177.

This the 26th day of April, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, April 28, 2011: Senate Bills Nos. 16, 265 and 655.

This the 26th day of April, 2011.  
MIKE FAULK, Chairperson.

**MONDAY, APRIL 25, 2011 -- 27TH LEGISLATIVE DAY**

**ADJOURNMENT**

Senator Norris moved pursuant to **House Joint Resolution No. 305** the Senate adjourn until 8:30 a.m., Wednesday, April 27, 2011, to meet in Joint Convention with the House of Representatives for the purpose of electing State Election Commission members; and further moved that at the conclusion of the Joint Convention the Senate adjourn until 9:00 a.m., Thursday, April 28, 2011, which motion prevailed.